



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

March 30, 2011

✓ Eugene "Gene" I. Masuda

REDACTED

**Warning Letter Re: FPPC Case No. 11/184, Eugene "Gene" I. Masuda**

Dear Mr. Masuda:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),<sup>1</sup> found in Government Code section 81000, et seq. This letter is in response to a proactive investigation begun by the FPPC against you and your apparent failure to disclose real property owned by you on your Candidate Statement of Economic Interests.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you did not disclose your real property interests on your Candidate Statement of Economic Interests. The Act provides that a candidate's failing to disclose all economic interests required to be disclosed on the Candidate Statement of Economic Interests is a violation. (GC § 87201.) Specifically, as a candidate for the Pasadena City Council, you were required to file a Candidate Statement of Economic Interest on which you were required to report, among other things, all interests in real property within the jurisdiction of the City of Pasadena. (GC § 87207.) Real property is considered to be "within the jurisdiction" with respect to a local government agency if the property or any part of it is located within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the local government agency. (GC § 82035.) Property you own that is located at 220 E Sierra Madre Boulevard in Sierra Madre, California, is located within the jurisdiction of the City of Pasadena and was required to be disclosed on your Candidate Statement of Economic Interest.

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<sup>1</sup> The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

Your actions violated the Act because you did not disclose the property located at 220 E Sierra Madre Boulevard in Sierra Madre, California, on your Candidate Statement of Economic Interest. Because, however, you did not appear to be avoiding disclosing the property interest, but instead failed to disclose it because you were unaware that property located outside the City limits is reportable if it is located within two miles of the City boundaries and because you have since filed the required amendment to your Candidate Statement of Economic Interest, we have decided to close this case.

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

If you have questions regarding this matter, please contact Adrienne Korchmaros at (916) 322-8241.

Sincerely,

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Gary S. Winuk, Chief  
Enforcement Division

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